

# EXHIBIT E

From: Kathryn Sadasivan <ksadasivan@naacpldf.org>

Sent: Wednesday, October 5, 2022 6:22 PM

Subject: RE: LUPE v. Abbott, 5:21-cv-844 (WD Tex): Discovery Correspondence - M&C (Intervenor-Defendants)

**\*\* External mail \*\***

Dear John,

Thank you for your email response on October 3, 2022, to Plaintiffs' request to meet and confer to discuss GOP Intervenors' anticipated production of documents responsive to consolidated Plaintiffs' Requests for Production and Interrogatories and particularly your broad claims of privilege. We understand that you are declining to meet and confer with us this week because of your trial schedule. As you note, the Court's scheduling order contemplates accommodating counsel's trial schedules; however, the scheduling order also specifically provides that October 24, 2022 is the last day of discovery for matters related to the primary elections as to the GOP Intervenors. The close of that phase of discovery is now less than three weeks away, and the GOP Intervenors have not produced any responsive documents. Indeed, you have not shared your proposed search terms with us, nor have you identified all relevant custodians nor explicated your broad claims of privilege for which you plan to withhold documents and possibly a privilege log.

Given your scheduling conflicts and the time you appear to need to get your searches underway, assess the documents in your possession, and evaluate claims of privilege, we ask that you file an unopposed motion to amend the current scheduling order, changing the close of discovery as to matters related to the primary elections from October 24, 2022 to March 17, 2023, the date for completion of fact discovery as to matters related to the general election, noting that the discovery to be given going forward by the GOP Intervenors will now include the general election as well as all previous topics. We believe that proceeding in this manner will allow a more efficient, effective, and streamlined discovery process as to GOP intervenors.

Of course, we were planning, under the current deadline, to depose a number of individuals employed by the GOP intervenors during the coming weeks. Given your non-compliance with discovery to date, and your communication on October 3, 2022, please let us know as soon as possible when you will file the motion to amend the scheduling order. Relatedly, do you anticipate defending the depositions of Melissa Conway, Alan Vera, Cindy Siegel, Susan Fountain, and Byron Fisher in their individual capacities? We plan to notice the 30(b)(1) depositions of these and possibly other individuals within GOP Intervenors' organizations. Are you willing to accept service of process, electronically, on behalf of these individuals?

Thank you for your prompt response.

Sincerely,

Kathryn Sadasivan